

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

KAREN HANSEN and CHRISTOPHER
W. HEDRICK,

Plaintiffs,

vs.

No. CIV 09-0424 JB/GBW

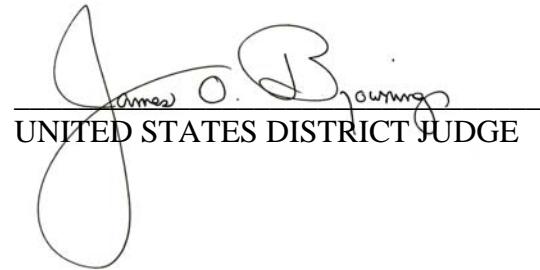
CAROLINE CASSAGNOL a/k/a
CAROLINE GOLDMAN a/k/a CAROLINE
CASSAGNOL-GOLDMAN,

Defendant.

ORDER

THIS MATTER comes before the Court on the Defendant's Motion to Dismiss Count IV of the Complaint, filed June 23, 2009 (Doc. 18). The Court held a hearing on February 3, 2010. The primary issue is whether Plaintiffs Karen Hansen and Christopher Hedrick have stated a valid claim for breach of the Lanham Act, 15 U.S.C. § 1125(a)(1)(B). The Plaintiffs did not file a written response to Defendant Caroline Cassagnol's motion, and, under the local rules, they are deemed to have consented to the motion. See D.N.M.LR-Civ. 7.1(b) ("The failure of a party to file and serve a response in opposition to a motion within the time prescribed for doing so constitutes consent to grant the motion."). Moreover, at the hearing, the Plaintiffs' counsel, Randolph B. Felker, stated that the Plaintiffs do not oppose the motion. The Court has reviewed the motion and for the reasons stated on the record and for further reasons consistent with those already stated, the Court will grant the motion.

IT IS ORDERED that the Defendant's Motion to Dismiss Count IV of the Complaint is granted and Count IV of the Plaintiffs' Complaint is dismissed.



James O. B. Dowling
UNITED STATES DISTRICT JUDGE

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